

January 23, 2017

Via ECF

The Honorable William H. Pauley III
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re: Topical Corticosteroid Antitrust Litigation*, 16-mc-7000
In re: Clobetasol Antitrust Litigation, 16-mc-7229
In re: Desonide Antitrust Litigation, 16-mc-7987
In re: Fluocinonide Antitrust Litigation, 16-mc-8911
FWK Holdings, L.L.C. v. Fougera Pharmaceuticals, Inc., et al., 16-cv-9897
FWK Holdings, L.L.C. v. Fougera Pharmaceuticals, Inc., et al., 16-cv-9898
FWK Holdings, L.L.C. v. Fougera Pharmaceuticals, Inc., et al., 16-cv-9899
Cesar Castillo, Inc. v. Fougera Pharmaceuticals, Inc., et al., 16-cv-9956
Cesar Castillo, Inc. v. Fougera Pharmaceuticals, Inc., et al., 16-cv-10063
Cesar Castillo, Inc. v. Actavis Holdco U.S., Inc., et al., 17-cv-250

Dear Judge Pauley:

Counsel for the parties in the above-listed actions jointly write to address the coordination and consolidation issues raised by direct purchaser Plaintiff FWK Holdings, L.L.C., in its letter dated January 17, 2017.

The parties agree that the direct purchaser claims for Clobetasol, Desonide, and Fluocinonide should be consolidated and coordinated, and propose that they be subject to a similar structure to that which currently governs the end payor claims under Master Case Order No. 1. The parties submit that the direct purchaser claims should be consolidated separately from the end payor claims. Accordingly, the parties respectfully request that Your Honor revise and amend the Order to specify, under the same master docket, three separately consolidated single-drug actions, one for Clobetasol, Desonide, and Fluocinonide, each of which consists of separately consolidated complaints for the end payor plaintiffs and for the direct purchaser plaintiffs. The parties have drafted such a revised Order and submit it, together with a redline, for Your Honor's consideration.

Respectfully submitted,

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